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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,814	09/29/2000	Lin Lin	91436-256	2246

33000 7590 07/28/2004

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EXAMINER

STORM, DONALD L

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,814

Applicant(s)

LIN ET AL.

Examiner

Donald L. Storm

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Vysotsky

2. Claims 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vysotsky et al [U. S. Patent 5,719,921] using the same rationale as in the prior Office action (paper 16) with reference to the earlier Office action (paper 4).

Claim Rejections - 35 USC § 103

Vysotsky and Firman

3. Claims 11 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vysotsky et al [U. S. Patent 5,719,921] in view of Firman [US Patent 5,377,303] using the same rationale as in the prior Office action (paper 16) with reference to the earlier Office action (paper 4).

Allowable Subject Matter

4. Claims 1-9 are allowed.

Response to Arguments

5. The prior Office action, mailed December 8, 2003 (paper 16), rejects claims under 35 USC § 102 and § 103. The Applicant's arguments and changes in AMENDMENT AND RESPONSE

TO OFFICE ACTION filed May 13, 2004 (paper 18) have been fully considered with the following results.

6. With respect to rejection of claims 1, 2, and 4 under 35 USC § 102, citing Gould, the Applicant's arguments appear to be as follows:

a. The Applicant's argument appears to be that the models used in Gould's recognition are found only in the .VOC and .USR files and that both of these files are speaker/user-dependent, without speaker/user independent models. The .VOC models provide spelled models by reference to the .USR file and the .USR file provides PELs for (1) the .VOC reference spellings, and (2) the helper models in the .USR file for which reliable references were not found in the .VOC file. This argument is persuasive because the .VOC and .USR files together form the PEL models used in recognition. The PEL models are user specific by the time that they are used in recognition because, the PELs because training begins immediately they are associated to a specific user.

Apparently, Gould's statement at column 13, line 62, that the phonetic spellings in the .VOC file constitute acoustic models should not be interpreted to imply acoustic feature values, such as spectral amplitude and frequency. Gould's acoustic models from phonetic spelling are not completed and made suitable for use in recognition until their corresponding PELs from the .USR file are retrieved. In addition to the Applicant's citations to Gould, the Examiner finds Gould's columns 41-43 relevant to understanding that acoustic feature values for the phonetic spellings are not found in the .VOC file.

b. The Applicant's argument appears to be that claim 2 includes the limitation of responding to recognition of a user-selected word for a particular command. This argument is not

persuasive because Gould describes that some of the words in the set for recognition will be commands, especially at column 55, lines 24-27, where commands can be added which can be recognized (in training or in any other state). The “response” limitation is found in claim 2, not in claim 1.

The Applicant’s arguments have been fully considered and they are persuasive.

Accordingly, the rejections are removed.

7. With respect to rejection of claims under *35 USC § 102*, citing Vysotsky, citations from the MPEP do not point out the supposed errors in the Examiner’s findings of anticipation as indicated in the prior Office action (paper 16) with reference to the earlier Office action (paper 4).

Accordingly, the rejections are maintained.

8. With respect to rejection of claim 5 under *35 USC § 103*, citing Vysotsky and Salazar, the Applicant’s arguments appear to be the same arguments that were presented in the prior response (paper 8).

Upon reconsideration of the arguments and the references, the Examiner does not find that Salazar’s two sets of speaker dependent models suggest anything about Vysotsky’s separate speaker independent models and speaker dependent models. As the Applicant points out, Salazar’s discusses further adaptation of only speaker dependent models.

The Applicant’s arguments have been fully considered and they are persuasive.

Accordingly, the rejection is removed.

9. With respect to rejection of claims under 35 USC § 103, citing Vysotsky and Firman, citations from the MPEP do not point out the supposed errors in the Examiner's findings of suggestion to combine, motivation to combine, expectation of success, description of claim limitations, and suggestion of claim limitations as indicated in the prior Office action (paper 16) with reference to the earlier Office action (paper 4). Accordingly, the rejections are maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any response to this action should be mailed to:

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P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")

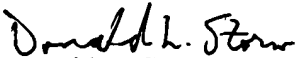
Or:

(703) 872-9306, (for informal or draft communications, and please label "PROPOSED" or "DRAFT")

Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, **Mail Stop AF**, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA, 22202

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (703) 305-3941. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.


Donald L. Storm
July 26, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER